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Son's custody death: HC rejects man's plea to withdraw case

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Madurai: Madras high court on Saturday sought response from four people allegedly responsible for withdrawal of a case filed by a man in connection with the custodial death of his son at Avaniyapuram police station in Madurai in 2019. A division bench of Justices T S Sivagnanam and S Ananthi said they do not agree with the submissions of petitioner Muthukaruppan's counsel that the petition was filed by his client in his private capacity and he has every right to withdraw it.

The judges said there is a public element involved in the petition because his client had come before the court stating there were police excesses and that his son's death was not natural but on account of police torture. It would not be open for Muthukaruppan to withdraw the petition stating that it was a private issue since he had pursued the matter with seriousness by taking special permission from the registry to approach the court on a holiday. Hence, the contention of the counsel made in this regard stands rejected. The judges also impleaded the four people as respondents in the case and directed them as well as Muthukaruppan to file counter affidavits.

The case relates to a writ petition filed by Muthukaruppan before HC Madurai bench in October 2019 seeking to register an FIR and transfer the investigation to CBI in a case wherein his son M Balamurugan, 22, died in judicial custody. However, two weeks later, Muthukaruppan changed his counsel and withdrew his petition. Subsequently, advocate Henri Tiphagne, in a letter to the court, indicated that the police officers were coercing the parents of the deceased not to depose against them. He also alleged that the petition was withdrawn by the father of the deceased because of threats from local police. He submitted several audio recordings in a sealed cover to the court. Since Muthukaruppan withdrew the petition, the court had initiated suo-motu proceedings in the case.

At the previous hearing, the court had directed Madurai city police commissioner to secure and produce the four people — Athi

Narayanan, Ramesh, Loganathan and Kathir — before the court. The four appeared before the court through video conferencing on Saturday. It may be recalled that Balamurugan was arrested by police as he was one of the accused in the abduction of R Parthiban, a resident of Villapuram housing board colony, for a ransom of Rs 20lakh. Balamurugan sustained injuries in police custody at Avaniyapuram police station and died at government Rajaji hospital.